

**Case 3601*****Spracklandus* Hoser, 2009 (Reptilia, Serpentes, ELAPIDAE): request for confirmation of the availability of the generic name and for the nomenclatural validation of the journal in which it was published**

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**Abstract.** The purpose of this application, under Articles 78.2.3 and 80.2.1 of the Code, is to confirm that the generic name *Spracklandus* Hoser, 2009 [23 March] for the African spitting cobras is available in the sense of the Code, and also that the work in which this genus was proposed met the Code's criteria of publication under Article 8.1. The Commission is asked to rule on these seemingly routine matters because widely promulgated recommendations by some herpetologists to use a junior objective synonym, *Afronaja* Wallach, Wüster & Broadley, 2009 [21 September], instead has resulted in instability in nomenclature.

**Keywords.** Nomenclature; taxonomy; Reptilia; ELAPIDAE; spitting cobras; taxonomy; *Spracklandus*; *Afronaja*.

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1. On, or a few days before 23 March 2009, Raymond Hoser (the present author) simultaneously made available more than 100 printed copies of issue no. 7 of his self-published journal, *Australasian Journal of Herpetology* (ISSN 1836–5698). This issue contained a single paper on the taxonomy of cobras (Hoser, 2009a). In it (p. 8), the new genus *Spracklandus* Hoser, 2009 was proposed for the African spitting cobras (type species *Naja nigricollis* Reinhardt, 1843). The original run of issue no. 7 was printed double-sided on white glossy paper and held together with a staple at the top left corner. Shortly before the cover date of 23 March [the precise date of first distribution does not matter for establishing priority of the names considered herein], part of the original print run was distributed by post to *Zoological Record*, major public libraries in Australia, and a number of other interested persons, including taxonomists and those who had taxa named in their honour therein (usually 11 copies to each). Approximately 10 days after distribution of the printed edition, this issue was uploaded to the internet <http://www.smuggled.com/AJHI7.pdf> with a different ISSN number (ISSN 1836–5779). Dated acknowledgements for receipt of some of the printed copies of issue no. 7 were received before the electronic edition was uploaded. Some examples of these acknowledgements are held by the Commission Secretariat. They provide proof that a printed edition existed and that it preceded the electronic edition. The printed edition is the only one that can be regarded as published under the Code, having been printed on paper with numerous identical copies being made available free of charge at the time of publication. This printed edition is the only edition from which any new names and nomenclatural acts were ever intended by their author (myself) to become available.

2. Copies of *Australasian Journal of Herpetology* no. 7 were also offered to anyone else interested, this being done by several means. In particular, the website <<http://www.herp.net>> offered original hard copies or online copies, the latter (as was noted above) being identified as a different publication by its different ISSN number. Advice of publication was also disseminated via various internet sites and forums. When demand for hard-copy originals exceeded those in stock, photocopies or printouts of the original were sent to persons requesting copies. Such photocopies and printouts differed from the original print run in being reproduced single-sided.

3. A set of photocopies of issues nos. 1–7 of *Australasian Journal of Herpetology* was sent to Van Wallach in response to his e-mailed request of 29 April 2009 for a hard copy; receipt as ‘reprints’ was acknowledged in Wallach’s e-mail of 9 May 2009. On 21 September that year, Wallach et al. (2009) published a paper in *Zootaxa*, alleging that *Australasian Journal of Herpetology* issues nos. 1–7 were not publications in accordance with the Code. This judgment was based on a claim that their search for original hard copies had, for issue no. 7, turned up only one original copy in a library in Australia (the Australian National Library). On this basis they concluded that no other originals existed and that the journal as whole failed to comply with the Code. They further wrote that any other hard copies in existence were printed ‘on demand’ after the publication date and therefore were not published according to the Code. The Secretariat of the Commission has independently confirmed the receipt of issue no. 7 by two libraries in Australia and by the *Zoological Record* prior to the publication of Wallach et al. (2009).

4. A second statement by Wallach et al. (2009), interpolated with the first, was that issues nos. 1–7 were only ‘online’ publications and therefore not valid according to the Code. These erroneous opinions, including the claim that *Spracklandus* Hoser, 2009 is not a valid or available name, have subsequently been repeated widely on internet forums and elsewhere. Although such online exchanges, including Hoser’s on-line rebuttal in 2009 at <http://www.sareptiles.co.za/forum/viewtopic.php?f=83&t=17849>, do not have nomenclatural force, interested readers are referred to Hoser (2012a, b), where they are documented in detail.

5. Wallach et al. (2009, p. 32) proposed the subgeneric name *Afronaja* Wallach, Wüster & Broadley, 2009 for the African spitting cobra. *Afronaja* is an objective synonym of *Spracklandus* since the latter is an available name, and both genus-level names have the same type species, *Naja nigricollis* Reinhardt, 1843.

6. In the face of continued misrepresentations by some herpetologists (e.g. Wüster & Bérnils, 2011; Schleip & O’Shea, 2010), Hoser (2012a) published an essay both in print and online in which he attempted to present the whole story, including the documentary evidence of receipt of the printed edition of issue no. 7 of *Australasian Journal of Herpetology* by several recipients.

7. Despite this, some authors (e.g. Kaiser et al., 2013, p. 17) still maintain that issue no. 7 of *Australasian Journal of Herpetology* was not validly published in the sense of the Code, but was rather an electronic publication available in print only by print-on-demand (Hoser, 2013). As examples of authors and important internet resources now using or urging the use of the junior synonym *Afronaja* as valid, one may cite Kaiser et al. (2013) and a large number of online forums and websites with posts by Wüster, the main proponent for the junior synonym. A number of online correspondents, including Pernetta in 2009 at <http://herpetoblog.wordpress.com/>

tag/hoser/ have expressed confusion as to what the appropriate name should be (*Spracklandus* or *Afronaja*), although the final reply to Pernetta by Wells that same year, at <http://herpetoblog.wordpress.com/2009/04/02/taxonomic-traumas-for-cobras-and-rattlesnakes/#comments>, stated that Hoser's names proposed in revisions of *Naja* and *Crotalus* were available.

8. The wider significance of the present case resides in the danger that validly self-published taxonomic works may, improperly, become viewed as unavailable under the Code, thus enabling the renaming of validly named taxa, if the above-mentioned argumentation becomes more widespread and gains general acceptance (e.g. Kaiser et al., 2013). For a full list of printed and on-line works that have adopted this viewpoint, and a discussion of nomenclatural instability that is likely to result thereby with respect to names proposed not only by Hoser, but other authors as well, see Hoser (2013). Under the present Code, such works have the same status and force as any other, but they are not necessarily so viewed by some. In the defence of such works and their authors, the present matter is being brought to the Commission's attention.

9. To remedy the present confused situation concerning the nomenclature of the spitting cobras, a request is placed to the International Commission on Zoological Nomenclature to use its specific powers granted under Articles 78.2.3 and 80.2.1 to confirm the availability of the name *Spracklandus*.

10. The International Commission on Zoological Nomenclature is accordingly asked:

(1) to confirm that:

- (a) issue no. 7 of *Australasian Journal of Herpetology* and the included article by Hoser (2009) are published works in the sense of Article 8.1 of the Code, and any available names and nomenclatural acts proposed therein take their priority from the date 23 March 2009 provided that they meet the other provisions of the Code (i.e. Articles 10–20) related to availability;
- (b) *Spracklandus* Hoser, [23 March] 2009, a generic name proposed in the work cited in proposal (1) (a), type species *Naja nigricollis* Reinhardt, 1843, is an available name;
- (c) *Afronaja* Wallach, Wüster & Broadley, [21 September] 2009, type species *Naja nigricollis* Reinhardt, 1843 is a junior objective synonym of *Spracklandus* Hoser, [23 March] 2009, having been proposed for the same taxon as the latter with the same type species;

(2) to place the name *Spracklandus* Hoser, 2009 on the Official List of Generic Names in Zoology.

## References

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Comments on this case are invited for publication (subject to editing) in the *Bulletin*; they should be sent to I.C.Z.N. Secretariat, Natural History Museum, Cromwell Road, London SW7 5BD, U.K. (e-mail: [iczn@nhm.ac.uk](mailto:iczn@nhm.ac.uk)).